

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

MARK SALTZMAN et al.,	:	
Plaintiffs,	:	CIVIL ACTION
	:	
v.	:	
	:	
INDEPENDENCE BLUE CROSS et al.,	:	No. 08-3849
Defendants.	:	

ORDER

AND NOW, this 5th day of June 2009, upon consideration of Defendants' Motion to Dismiss Plaintiffs' Amended Complaint (Doc. 20), Plaintiffs' Response (Doc. 22), and Defendants' Reply (Doc. 27), and in accordance with the attached Memorandum, it is hereby ORDERED that

- (1) Plaintiffs' Motion for Leave to File a Reply (Doc. 42) is GRANTED;
- (2) Plaintiffs' Request for Leave to Amend (Doc. 30) is DENIED;
- (3) Defendants' Motion to Dismiss (Doc. 20) is GRANTED in part;
- (4) Count I of Plaintiffs' Amended Complaint, based on § 502(a)(1)(B) of ERISA, is DISMISSED with prejudice;
- (5) The remaining Counts are DISMISSED without prejudice; and
- (6) The Clerk shall mark this case as CLOSED for statistical purposes.

BY THE COURT:

/s/ Michael M. Baylson
Michael M. Baylson, U.S.D.J.